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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,187	03/21/2001	Shigeaki Watanabe	NAK1-BA81a	7440

21611 7590 02/10/2005

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EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/814,187	Applicant(s) WATANABE ET AL.	
	Examiner Christopher M Lambrecht	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 37-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/928,010.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/9/2003;3/19/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 39 is objected to because of the following informalities: In claim 39, line 18, "the" (first occurrence) should be replaced with "a". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 37-39** is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,240,555 to Shoff et al. (hereinafter "Shoff").

With regard to **claim 37**, Shoff discloses a data presentation control apparatus (STB 26, fig. 2, col. 4, ll. 23-28) for receiving a plurality of sets of multimedia data (supplemental interactive content, col. 5, ll. 14-17) and sets of presentation control information and for controlling the presentation of the sets of multimedia data (col. 5, ll. 33-38), the plurality of sets of multimedia data composing a plurality of contents which make up a broadcast program (col. 6, ll. 9-16), and the presentation control information each corresponding to a content including (1) information for specifying an initial state for presentation of sets of multimedia data that compose a corresponding content (col. 10, ll. 45-47), (2) at least one instruction (hyperlinks, col. 5, ll. 36-41), each instruction designating a predetermined operation, and (3) control time information which indicates a timing of an execution of the at least one instruction (timing information, col. 10, ll. 7-9),

the data presentation control apparatus comprising:

Art Unit: 2611

data storage means (memory 94, fig. 5);

receiving means for extracting at least one set of multimedia data and the presentation control information from data transmitted from a broadcast program transmission apparatus (col. 9, ll. 20-23) and storing the received sets of multimedia data and presentation control information into the data storage means (col. 7, ll. 1-5);

current time information obtaining means for obtaining a set of current time information including an expression of a current time (col. 10, ll. 9-14 describes coordinating supplemental content with program start times, which inherently requires means for obtaining current time information); and

content presentation control means

(1) for selecting one content and having the selected content initially presented in the initial state in accordance with the presentation control information (col. 9, ll. 20-29 and ll. 54-59) corresponding to the selected content, the presentation control information having been received by the receiving means,

(2) for comparing the current time information with the time given in the control time corresponding to the selected content (col. 10, ll. 7-17), and

(3) for executing the at least one instruction once the time given in the control time information has been reached (col. 11, ll. 59-62, col. 12, ll. 50-53).

With regard to **claim 38**, Shoff discloses a data transmission apparatus (headend 22, fig. 2) for transmitting a plurality of sets of multimedia data (supplemental interactive content, col. 5, ll. 14-17), wherein the plurality of sets of multimedia data compose a plurality of contents which make up a broadcast program (col. 6, ll. 9-16), the data transmission apparatus comprising:

transmission data storage means (database 54, fig. 2) for storing the plurality of sets of multimedia data (col. 5, ll. 16-18) and a plurality of sets of presentation control information (col. 5, ll. 33-38), each set of presentation control information corresponding to a content including (1) information for

Art Unit: 2611

specifying an initial state for presentation of sets of multimedia data that compose a corresponding content (col. 10, ll. 45-47), (2) at least one instruction, each instruction designating a predetermined operation (hyperlinks, col. 5, ll. 36-41), and (3) control time information which indicates a timing of an execution of the at least one instruction (timing information, col. 10, ll. 7-9 and col. 12, ll. 50-53); and

transmission means (enhanced content server 52, fig. 2) for transmitting the plurality of sets of multimedia data and the sets of presentation control information (col. 5, ll. 12-15).

With regard to **claim 39**, Shoff discloses a recording medium (memory 96, fig. 5) on which a data presentation control program is recorded (col. 8, ll. 45-47), the data presentation control program controlling a data presentation control apparatus (viewer computing unit, col. 8, ll. 4-5) which receives a plurality of sets of multimedia data (supplemental interactive content, col. 5, ll. 14-17) and a plurality of sets of presentation control information (col. 5, ll. 33-38), the sets of multimedia data making up a plurality of contents that compose a broadcast program (col. 6, ll. 9-16), each set of presentation control information corresponding to a content including (1) information for specifying an initial state for presentation of sets of multimedia data that compose a corresponding content (col. 10, ll. 45-47), (2) at least one instruction (hyperlinks, col. 5, ll. 36-41), each instruction designating a predetermined operation, and (3) control time information which indicates a timing of an execution of the at least one instruction (timing information, col. 10, ll. 7-9),

the data presentation control program comprising the steps of:

obtaining a set of current time information for a current time (col. 10, ll. 9-14);

selecting one content and having the selected content initially presented the initial state in accordance with the presentation control time information corresponding to the selected content (col. 9, ll. 20-29 and ll. 54-59);

Art Unit: 2611

comparing the current time information with the time given in the control time information corresponding to the selected content (col. 10, ll. 7-17), and

having the selected content presented by the data display control apparatus in a changed state once the time given in the control time information has been reached (col. 11, ll. 59-62, col. 12, ll. 50-53).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 40-42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff in view of US Patent No. 5,715,314 to Payne et al. (hereinafter "Payne").

With regard to **claim 40**, Shoff discloses a data presentation control apparatus (STB 26, fig. 2, col. 4, ll. 23-28) for receiving a plurality of sets of multimedia data (supplemental interactive content, col. 5, ll. 14-17) and sets of presentation control information and for controlling the presentation of the sets of multimedia data (col. 5, ll. 33-38), the plurality of sets of multimedia data composing a plurality of contents which make up a broadcast program (col. 6, ll. 9-16), and the presentation control information each corresponding to a content including (1) information for specifying an initial state for presentation of sets of multimedia data that compose a corresponding content (col. 10, ll. 45-47), (2) at least one instruction (hyperlinks, col. 5, ll. 36-41), each instruction designating a predetermined operation, and (3) control time information which indicates a timing of an execution of the at least one instruction (timing information, col. 10, ll. 7-9),

the data presentation control apparatus comprising:

data storage means (memory 94, fig. 5);

Art Unit: 2611

receiving means for extracting at least one set of multimedia data and the presentation control information from data transmitted from a broadcast program transmission apparatus (col. 9, ll. 20-23) and storing the received sets of multimedia data and presentation control information into the data storage means (col. 7, ll. 1-5);

current time information obtaining means for obtaining a set of current time information including an expression of a current time (col. 10, ll. 9-14 describes coordinating supplemental content with program start times, which inherently requires means for obtaining current time information); and content presentation control means

(1) for selecting one content and having the selected content initially presented in the initial state in accordance with the presentation control information (col. 9, ll. 20-29 and ll. 54-59) corresponding to the selected content, the presentation control information having been received by the receiving means,

(2) for comparing the current time information with the time given in the control time corresponding to the selected content (col. 10, ll. 7-17), and

(3) for executing the at least one instruction once the time given in the control time information has been reached (col. 11, ll. 59-62, col. 12, ll. 50-53).

Though Shoff discloses hyperlinks used as instructions designating predetermined operations such as merchandise ordering functions (col. 12, ll. 15-18), he fails to disclose a predetermined operation excluding an operation for switching a state for presentation of the sets of multimedia data from the initial state.

In an analogous art, Payne discloses using hyperlinks (URLs) to designate a predetermined operation excluding an operation for switching a state for presentation of the sets of multimedia data from the initial state (i.e., in an advertisement document (initial state) the purchase URL is attributed with an expiration time after which the URL is no longer valid and the user cannot be presented with a payment confirmation document (switching from an initial state), see col. 5, ll. 30-44 and col. 5, l. 63 – col. 6, l. 8),

Art Unit: 2611

for the purpose of enforcing a deadline after which a particular payment URL cannot be used (col. 5, ll. 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shoff to include said predetermined operation excluding an operation for switching a state for presentation of the sets of multimedia data from the initial state, as taught by Payne, for the purpose enforcing a deadline after which a particular payment URL cannot be used.

With regard to **claim 41**, Shoff discloses a data transmission apparatus (headend 22, fig. 2) for transmitting a plurality of sets of multimedia data (supplemental interactive content, col. 5, ll. 14-17), wherein the plurality of sets of multimedia data compose a plurality of contents which make up a broadcast program (col. 6, ll. 9-16), the data transmission apparatus comprising:

transmission data storage means (database 54, fig. 2) for storing the plurality of sets of multimedia data (col. 5, ll. 16-18) and a plurality of sets of presentation control information (col. 5, ll. 33-38), each set of presentation control information corresponding to a content including (1) information for specifying an initial state for presentation of sets of multimedia data that compose a corresponding content (col. 10, ll. 45-47), (2) at least one instruction, each instruction designating a predetermined operation (hyperlinks, col. 5, ll. 36-41), and (3) control time information which indicates a timing of an execution of the at least one instruction (timing information, col. 10, ll. 7-9 and col. 12, ll. 50-53); and transmission means (enhanced content server 52, fig. 2) for transmitting the plurality of sets of multimedia data and the sets of presentation control information (col. 5, ll. 12-15).

Though Shoff discloses hyperlinks used as instructions designating predetermined operations such as merchandise ordering functions (col. 12, ll. 15-18), he fails to disclose a predetermined operation excluding an operation for switching a state for presentation of the sets of multimedia data from the initial state.

Art Unit: 2611

In an analogous art, Payne discloses using hyperlinks (URLs) to designate a predetermined operation excluding an operation for switching a state for presentation of the sets of multimedia data from the initial state (i.e., in an advertisement document (initial state) the purchase URL is attributed with an expiration time after which the URL is no longer valid and the user cannot be presented with a payment confirmation document (switching from an initial state), see col. 5, ll. 30-44 and col. 5, l. 63 – col. 6, l. 8), for the purpose of enforcing a deadline after which a particular payment URL cannot be used (col. 5, ll. 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shoff to include said predetermined operation excluding an operation for switching a state for presentation of the sets of multimedia data from the initial state, as taught by Payne, for the purpose enforcing a deadline after which a particular payment URL cannot be used.

With regard to **claim 42**, Shoff discloses a recording medium (memory 96, fig. 5) on which a data presentation control program is recorded (col. 8, ll. 45-47), the data presentation control program controlling a data presentation control apparatus (viewer computing unit, col. 8, ll. 4-5) which receives a plurality of sets of multimedia data (supplemental interactive content, col. 5, ll. 14-17) and a plurality of sets of presentation control information (col. 5, ll. 33-38), the sets of multimedia data making up a plurality of contents that compose a broadcast program (col. 6, ll. 9-16), each set of presentation control information corresponding to a content including (1) information for specifying an initial state for presentation of sets of multimedia data that compose a corresponding content (col. 10, ll. 45-47), (2) at least one instruction (hyperlinks, col. 5, ll. 36-41), each instruction designating a predetermined operation, and (3) control time information which indicates a timing of an execution of the at least one instruction (timing information, col. 10, ll. 7-9),

the data presentation control program comprising the steps of:

Art Unit: 2611

obtaining a set of current time information for a current time (col. 10, ll. 9-14);

selecting one content and having the selected content initially presented the initial state in accordance with the presentation control time information corresponding to the selected content (col. 9, ll. 20-29 and ll. 54-59);

comparing the current time information with the time given in the control time information corresponding to the selected content (col. 10, ll. 7-17), and having the selected content presented by the data display control apparatus in a changed state once the time given in the control time information has been reached (col. 11, ll. 59-62, col. 12, ll. 50-53).

Though Shoff discloses hyperlinks used as instructions designating predetermined operations such as merchandise ordering functions (col. 12, ll. 15-18), he fails to disclose a predetermined operation excluding an operation for switching a state for presentation of the sets of multimedia data from the initial state.

In an analogous art, Payne discloses using hyperlinks (URLs) to designate a predetermined operation excluding an operation for switching a state for presentation of the sets of multimedia data from the initial state (i.e., in an advertisement document (initial state) the purchase URL is attributed with an expiration time after which the URL is no longer valid and the user cannot be presented with a payment confirmation document (switching from an initial state), see col. 5, ll. 30-44 and col. 5, l. 63 – col. 6, l. 8), for the purpose of enforcing a deadline after which a particular payment URL cannot be used (col. 5, ll. 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shoff to include said predetermined operation excluding an operation for switching a state for presentation of the sets of multimedia data from the initial state, as taught by Payne, for the purpose enforcing a deadline after which a particular payment URL cannot be used.

Art Unit: 2611

Conclusion

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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on _____
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Typed or printed name of person signing this certificate:

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Art Unit: 2611

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M Lambrecht whose telephone number is (703) 305-8710. The examiner can normally be reached from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached at (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht
Examiner
Art Unit 2611

CML



HAITRAN
PRIMARY EXAMINER